

MITCHELL SILBERBERG & KNUPP LLP

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

MS&K

Jeffrey M. Movit
Partner, through his
Professional Corporation
(917) 546-7708 Phone
(917) 546-7678 Fax
jmm@msk.com

May 31, 2017

VIA ECF

Hon. William H. Pauley III, U.S.D.J.
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Estate of Smith et al. v. Cash Money Records, Inc. et al., Case No. 14 CV 2703

Dear Judge Pauley:

We are counsel for parties including Defendant/Counterclaim Plaintiff Aubrey Drake Graham in the above-referenced action.

In its Opinion and Order dated May 30, 2017, the Court dismissed the Plaintiffs' Complaint as against all defendants on the ground that any liability for the Plaintiffs' claim of alleged copyright infringement is barred by the doctrine of fair use. (ECF No. 135.) Thereafter, the Clerk of Court decreed the case to be closed. (ECF No. 136.)

Although the Opinion and Order disposed of the Plaintiffs' affirmative claims against the defendants with prejudice, our client Mr. Graham has asserted Counterclaims alleging violations of his right of publicity which remain pending against Plaintiff Hebrew Hustle Inc. and Additional Counterclaim Defendant Stephen Hacker. (ECF No. 41.) Pursuant to the Court's scheduling orders, the parties have not yet taken discovery regarding the Counterclaims.

Accordingly, we respectfully request that the Clerk of Court be directed to restore the action to the Court's active calendar. We are prepared to discuss a proposed schedule for the litigation of the Counterclaims with the Court at its convenience.

We greatly appreciate the Court's consideration of these matters.

Respectfully submitted,

/s/
Jeffrey M. Movit
MITCHELL SILBERBERG & KNUPP LLP

cc: Counsel of Record (*via ECF*)